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10/531,444	04/14/2005	Domenico Stigliani	P70537US0	6192

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EXAMINER
HENNING, MATTHEW T

ART UNIT	PAPER NUMBER
2431	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/531,444	STIGLIANI ET AL.
	Examiner	Art Unit	
	MATTHEW T. HENNING	2431	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *16 April 2009*.

2a) ☒ This action is FINAL.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *15-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *15-26* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *14 April 2005* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

1   This action is in response to the communication filed on 4/16/2009.

2   **DETAILED ACTION**

3   Claims 15-26 have been examined.

4
5   *Response to Arguments*

6   Applicant's arguments filed 4/16/2009 have been fully considered but they are not

7   persuasive.

8   In response to applicants' argument that the references fail to show certain features of

9   applicant's invention, it is noted that the features upon which applicant relies (i.e., that all the

10   pre-transmission steps occur at the client; the univocal identifier is generated by the client

11   computer; taking precautions to prevent an ill-intentioned person from separating a signed nonce

12   value from the response sent by the central computer; use of a complex message formed by a

13   message identifier plus the result of the coding applied to the union of the message identifier and

14   the message) are not recited in the rejected claim(s). Although the claims are interpreted in light

15   of the specification, limitations from the specification are not read into the claims. See *In re Van*

16   *Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As such, these arguments have not

17   been found persuasive.

18   Regarding the applicants' argument that Vincent did not teach that the checking

19   username is assembled with the message and transmitted therewith, and the assembling takes

20   place by inserting the message identifier in the message and applying the coding operation to the

21   result of the insertion, the examiner does not find the argument persuasive. First, Fig. 7 of

22   Vincent clearly shows signing the response, which includes the nonce and the message, with the

23   private encryption key. And paragraph 0045 clearly shows that the signature is transmitted with

1   the response. This is extremely common in the art of digital signatures. Therefore, the examiner

2   does not find the argument persuasive.

3   All objections and rejections not set forth below have been withdrawn.

4   Claims 15-26 have been examined.

5   ***Claim Objections***

6   Claim 24 is objected to because of the following informalities: Claim 24 recites in line 1

7   "for associated" which is not grammatically correct. Appropriate correction is required.

8   ***Claim Rejections - 35 USC § 102***

9   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

10   basis for the rejections under this section made in this Office action:

11   A person shall be entitled to a patent unless –

12   (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
13   in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
14   patent by another filed in the United States before the invention by the applicant for patent, except that an
15   international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
16   subsection of an application filed in the United States only if the international application designated the United
17   States and was published under Article 21(2) of such treaty in the English language.
18

19   Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Vincent (US

20   Patent Application Publication 2003/0069967).

21   Regarding claim 15, Vincent disclosed a method for security verification of a message

22   having a message owner (Vincent Paragraph 0045 request message) and being transmitted and

23   received in electronic form comprising the steps of: on the transmitting side, associating with the

24   message for its subsequent security verification a univocal message identifier (unique nonce),

25   and a checking username (Vincent Fig. 7 and Paragraph 0045 Signed Response) associated with

26   the message owner for checking the identity of the message owner, at least said checking

27   username being assembled with the message and transmitted therewith (Vincent Fig. 7 and

1   Paragraph 0045) and said assembling taking place by inserting the message identifier into the

2   message and applying a coding operation previously associated with said message owner to the

3   result of the insertion (Vincent Paragraph 0045), and transmitting the message using a

4   transmitting device (Vincent Paragraph 0045), and on the receiving side for security verification

5   of a received message (Vincent Paragraph 0046) receiving the received message by a receiving

6   device (Vincent Paragraph 0046), comparing the message identifier of the received message with

7   previously received message identifiers and signaling whether or not a message having the same

8   univocal message identifier associated therewith was previously received (Vincent Paragraph

9   0046 Lines 4-19), applying a decoding operation associated with a supposed owner of the

10   received message to the checking username of the owner associated with the received message to

11   obtain an identifier (Vincent Paragraph 0046 Lines 19-24), and ascertaining and signaling the

12   agreement or not between the univocal message identifier associated with the received message

13   and the identifier obtained by said decoding operation performed on the checking username

14   (Vincent Paragraph 0046 Lines 19-31).

15

16   Regarding claim 21, Vincent disclosed a system for a safety verification of a message

17   having a message owner and being transmitted by a transmitter and received in electronic form

18   and comprising: in the transmitter, a generator for generating a univocal message identifier

19   (Vincent Paragraph 0045 generates a unique nonce value), an encoding device configured to

20   receive the message identifier, insert said message identifier into the message, and apply a

21   coding operation previously associated with said message owner to the result of the insertion to

22   obtain a checking username associated with the message to be transmitted for checking the

1   identity of the message owner (Vincent Fig. 7 and Paragraph 0045 Signing the response with the

2   private key), a transmission element which associates the coded message and eth checking

3   username to be transmitted with the univocal message identifier (Vincent Paragraph 0045), and

4   in the receiver for security verification of a received message, a control device configured to

5   compare the message identifier with previously received message identifiers to determine

6   whether or not a message having the same univocal message identifier associated therewith was

7   previously received (Vincent Paragraph 0046 Lines 4-19), a decoding device configured to

8   receive the checking username associated with the received message and apply a decoding

9   operation associated with a supposed owner of the received message to the checking username of

10   the owner associated with the received message to obtain an identifier (Vincent Paragraph 0046

11   Lines 19-24), a verification device configured to ascertain and signal whether or not agreement

12   exists between the univocal message identifier associated with the received message and the

13   identifier obtained by said decoding operation performed on the checking username (Vincent

14   Paragraph 0046 Lines 19-31).

15   Regarding claim 24, Vincent disclosed a device for associated of security verification

16   factors with a message having a message owner and being transmitted in electronic form

17   comprising: a generator for generating a univocal message identifier (Vincent Paragraph 0045

18   generates a unique nonce value), an encoding configured to receive the message identifier, insert

19   said message identifier into the message, and apply a coding operation previously associated

20   with said message owner to the result of the insertion to obtain a checking username asociated

21   with the message be transmitted for checking the identity of the message owner (Vincent

22   Paragraph 0045 Signing the nonce with the private key), and a component which associates the

1 coded message and the checking username to be transmitted with the univocal message identifier

2 obtained (Vincent Paragraph 0045).

3   Regarding claims 16 and 26, Vincent disclosed that before transmission, assembling the

4 univocal message identifier and the checking username for checking the identity of the message

5 owner in a unique compound identifier (Vincent Paragraph 0045).

6   Regarding claim 17, Vincent disclosed that on the transmitting side, with the message to

7 be transmitted is also associated an owner identifier (Vincent Paragraph 0045 private key) and on

8 the receiving side the decoding operation to be applied is selected from among a plurality of

9 possible decoding operations on the basis of the owner identifier associated with the received

10 message (Vincent Paragraph 0046 Lines 19-24).

11   Regarding claims 18, 22, and 25, Vincent disclosed that the coding and decoding are

12 keyed encryption and decryption operations (Vincent paragraphs 0045-0046).

13   Regarding claims 19 and 23, Vincent disclosed that the encryption and decryption are the

14 type with public/private key (Vincent Paragraphs 0045-0046).

15   Regarding claim 20, Vincent disclosed that ascertainment of the agreement between

16 univocal message identifier associated with the message received and the identifier includes

17 verifying that said univocal message identifier and the identifier are the same (Vincent Paragraph

18 0044).

19   *Conclusion*

20   Claims 15-26 have been rejected.

21   The prior art made of record and not relied upon is considered pertinent to applicant's

22 disclosure.

1   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

2   policy as set forth in 37 CFR 1.136(a).

3   A shortened statutory period for reply to this final action is set to expire THREE

4   MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

5   MONTHS of the mailing date of this final action and the advisory action is not mailed until after

6   the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

7   will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

8   CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

9   however, will the statutory period for reply expire later than SIX MONTHS from the mailing

10   date of this final action.

11   Any inquiry concerning this communication or earlier communications from the

12   examiner should be directed to MATTHEW T. HENNING whose telephone number is

13   (571)272-3790. The examiner can normally be reached on M-F 8-4.

14   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

15   supervisor, William Korzuch can be reached on (571)272-7589. The fax phone number for the

16   organization where this application or proceeding is assigned is 571-273-8300.

1   Information regarding the status of an application may be obtained from the Patent

2   Application Information Retrieval (PAIR) system. Status information for published applications

3   may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

4   applications is available through Private PAIR only. For more information about the PAIR

5   system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

6   system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

7   like assistance from a USPTO Customer Service Representative or access to the automated

8   information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9

10
11   /Matthew T Henning/
12   Examiner, Art Unit 2431
13